## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS DEMETRIUS NELLUM, 000000000000 Plaintiff, CIVIL ACTION NO. 9:21-CV-256 versus JOSEPH B. FOXWORTH, Defendant.

## MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Demetrius Nellum, proceeding pro se, filed this civil rights lawsuit against Joseph B. Foxworth. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion for summary judgment filed by the defendant be denied. To date, the parties have not filed objections.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct.

Accordingly, the Report and Recommendation of United States Magistrate Judge (#38) is **ADOPTED**. The motion for summary judgment (#33) is **DENIED**.

Signed this date

Maria a. Crone

Sep 22, 2025

UNITED STATES DISTRICT JUDGE